
REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text.
Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Proposed Regulation

Title of Regulation: 6 VAC 20-250. Regulations Relating to Property and Surety Bail Bondsmen (adding 6 VAC 20-250-10 through 6 VAC 20-250-380).

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public Hearing Date: March 7, 2007 - 9 a.m.

Public comments may be submitted until January 12, 2007.

(See Calendar of Events section for additional information)

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Basis: The legal authority to regulate property and surety bail bondsmen is found in § 9.1-102 of the Code of Virginia. Section 9.1-102 authorizes the department, under the direction of the board to "license and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq) of this chapter." The board shall adopt regulations that are necessary to ensure respectable, responsible, safe and effective bail bonding within the Commonwealth pursuant to § 9.1-185.2 of the Code of Virginia.

Purpose: The regulation establishes a licensure process to include a fingerprint-based background check, licensure fees, compulsory minimum entry-level training standards, and administration of the regulatory system. It authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the board, to conduct investigations, to issue disciplinary action, and to revoke, to suspend, and to refuse to renew a license. These procedures are established to ensure respectable, responsible, safe and effective bail bonding in the Commonwealth.

Substance: The regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the board; conducting investigations; issuing disciplinary action; and revoking, suspending, or refusing

to renew a license. The regulation provides an appeal process pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Issues: The primary advantage of incorporating the changes presented in the proposed regulations is to continue to provide necessary public protection tasked through existing statutes. The main purposes of the amendments are to first and foremost provide a clearer set of regulations to use and understand, thereby facilitating compliance.

Some of the issues addressed pertain to increasing training standards to afford further protection by ensuring that those performing the duties of bail bonding and fugitive recovery maintain the appropriate proficiency, knowledge and skills needed in the performance of these duties. In addition, standards, restrictions and requirements for solicitation, uniforms and identification where clarified as required by statute.

There are no disadvantages to the public or agency.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. Pursuant to legislation passed during the 2004 General Assembly session, the Criminal Justice Services Board (board) proposes regulations for licensure of property and surety bail bondsmen.

Result of Analysis. There is not enough information to compare the magnitude of costs versus benefits for this proposed regulatory change.

Estimated Economic Impact. Prior to implementation of emergency regulations in July 2005, surety bail bondsmen were licensed by the State Corporation Commission (SCC). Surety bail bondsmen were required to obtain a background check and submit it to the SCC. Individuals who had been convicted of a felony, but whose civil rights had not been restored, were not eligible for licensure. Surety bondsmen were required to provide the SCC with powers of attorney which served as proof that the surety bondsmen were agents of a particular insurance company. Surety bondsmen were also required to pass an exam. In total, the Department of Criminal Justice Services (DCJS) estimates that the total cost of licensure through the SCC was approximately \$50 (\$35 for the background check and \$15 to cover the cost of the required exam) plus the cost associated with time spent meeting SCC requirements.

Prior to July 2005, property bail bondsmen had to obtain a certificate from a judge in a locality where they wanted to offer bonds. They had to be of good moral character. They had to verify (with a tax or other property assessment) that

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they had collateral against the totality of their outstanding bonds and had to sign an affidavit that they had at least \$200,000 equity in their collateral property. They had to undergo a fingerprint background check and, like surety bondsmen, they could not offer bonds if they had been convicted of a felony. The costs associated with being able to offer bonds as a property bondsmen included a \$35 fee to cover the required fingerprint background check and any costs associated with obtaining property assessments. These individuals also incurred opportunity costs for time spent meeting legal requirements.

The proposed regulation will require both property and surety bail bondsmen to:

- Have a General Equivalency Diploma (GED) or a high school diploma.

- Undergo a fingerprint background check through DCJS (this costs \$60).

- Undergo 40 hours of bail bondsmen core training and 14 hours of firearms training (if they intend to carry a gun while acting as a bondsmen).

- Take an exam (through DCJS).

- Pay a licensure fee that will vary between \$1,000, for surety bail bondsmen, and \$1,150, for principal property bail bondsmen who have other property bondsmen working for them. An additional \$30 must be paid on an annual basis if a bondsman wants a DCJS firearms endorsement.

- Undergo eight hours of in-service training before biannual re-licensure.

In addition to these general requirements, surety bail bondsmen must still maintain an SCC property and casualty license and must provide DCJS with a property and casualty power of attorney. Property bail bondsmen have to provide DCJS with verification of at least \$200,000 equity in property (or an equivalent value held in cash or certificates of deposit). Principal property bail bondsmen must also provide verification of an additional \$200,000 for each agent bail bondsmen in their employ. Property bail bondsmen must report the dollar value of any bonds they have outstanding each month (by the 5th) to DCJS. Neither property nor surety bail bondsmen may post any advertising materials on government property or wear any company insignia larger than 3 by 5 inches while on government property. All of these requirements, except for the restrictions on advertising on government property, are due to legislative mandate.

The costs that bail bondsmen will incur because of the proposed regulation include all explicit fees and training costs plus the implicit costs of time spent on becoming and remaining licensed (time spent in training, filling out paperwork, etc.) and any loss of income that can be attributed to the new restrictions on advertising. Localities and the Commonwealth may also incur costs if the

proposed regulation reduces the number of bail bondsmen operating in Virginia and, as a consequence of this, individuals in jail awaiting trial stay in jail for more days because they cannot make bail. The legislature is requiring regulation for bail bondsmen because they believe such regulation will protect the public from bondsmen, and bondsmen's agents, who have, on rare occasions, acted unethically or criminally while engaging in bond recovery. It is not entirely clear, however, that much of this same end couldn't have been accomplished more efficiently by more vigorously enforcing preexisting criminal law.

Businesses and Entities Affected. DCJS licensed 260 surety bail bondsmen and 118 property bail bondsmen when emergency regulations were implemented in late 2005. All of these, plus any other individuals who may wish to pursue a career in the future, will be affected by the proposed regulation.

Localities Particularly Affected. The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment. The licensure fees that DCJS will charge surety bail bondsmen are significantly higher than those that the SCC has charged and property bail bondsmen will be subject to licensure fees for the first time. These increased fees may lead some bondsmen to choose to leave their employment in this field. Some of the other requirements that this regulation or the mandating legislation imposes have imposed or will impose will preclude some bail bondsmen from continuing their practice in this field. Bail bondsmen who do not have a GED or high school diploma, for example, will not be able to be licensed by the Commonwealth as bail bondsmen no matter how long they have practiced in this field.

Effects on the Use and Value of Private Property. To the extent that the proposed regulation precludes business owners from continuing to practice as bail bondsmen, the value of their businesses will likely fall toward zero. If these businesses can be sold, some of their original value may be recoverable. Bail bondsmen who are able to continue practicing after promulgation of the proposed regulation may see an increase in the value of their businesses as they will likely face less competition and may be able to write more bonds.

Small Businesses: Costs and Other Effects. Property and surety and bail bondsmen will incur licensure fees and the cost associated with the necessary background check. They will also lose the value associated with the ban the proposed regulation will place on advertisement of any sort within any court, jail, lock-up or on any surrounding government property.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Most requirements that the proposed regulation will impose are on account of legislative mandate. DCJS might lessen the impact of the proposed regulation by loosening the restrictions on advertising on government property and the restrictions on what

advertising bail bondsmen can wear.

Legal mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Criminal Justice Services, Private Security Services Section, concurs with the economic impact analysis as reviewed by the Department of Planning and Budget.

Summary:

The proposed regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system for property and surety bail bondsmen. The proposed regulation provides an appeal process pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and outlines procedures for (i) receiving complaints concerning the conduct of any person whose activities are monitored by the board; (ii) conducting investigations; (iii) issuing disciplinary action; and (iv) revoking, suspending, or refusing to renew a license.

CHAPTER 250.

REGULATIONS RELATING TO PROPERTY AND SURETY BAIL BONDSMAN.

PART I. DEFINITIONS.

6 VAC 20-250-10. Definitions.

The following words and terms when used in this

regulation shall have the following meanings unless the context clearly indicates otherwise:

"Agent bail bondsman" means a licensed property bail bondsman who is in the employment of another licensed property bail bondsman whose collateral requirement is met by the principal bail bondsman pursuant to § 9.1-185.5 of the Code of Virginia.

"Armed" means a bail bondsman who carries or has immediate access to a firearm in the performance of his duties.

"Bail" means the pretrial release of a person from custody upon those terms and conditions specified by order of an appropriate judicial officer.

"Bail bondsman" means any person who is licensed by the department who engages in the business of bail bonding and is thereby authorized to conduct business in all courts of the Commonwealth.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Bond" means the posting by a person or his surety of a written promise to pay a specific sum, secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure performance of the terms and conditions contained in the recognizance.

"Certificate" means a certificate issued by a judge on or before June 30, 2005, pursuant to former § 19.2-152.1 of the Code of Virginia.

"Department" or "DCJS" means the Department of Criminal Justice Services or any successor agency.

"Firearm endorsement" means a method of regulation, which identifies a person licensed as a bail bondsman who has successfully completed the annual firearms training and has met the requirements as set forth in this regulation.

"Licensee" means a licensed bail bondsman.

"Principal bail bondsman" means a licensed property bail bondsman who provides the collateral requirements for himself and any agent bail bondsmen in his employment.

"Property bail bondsman" means a person pursuant to this article who, for compensation, enters into a bond or bonds for others, whether as a principal or surety, or otherwise pledges real property, cash or certificates of deposit issued by a federally insured institution, or any combination thereof as security for a bond as defined in § 19.2-119 of the Code of Virginia that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.

"Recognizance" means a signed commitment by a person to appear in court as directed and to adhere to any other terms ordered by an appropriate judicial officer as a condition of bail.

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"Surety bail bondsman" means a person licensed pursuant to this article who is also licensed by the State Corporation Commission as a property and casualty insurance agent, and who sells, solicits, or negotiates surety insurance as defined in § 38.2-121 of the Code of Virginia on behalf of insurers licensed in the Commonwealth, pursuant to which the insurer becomes surety on or guarantees a bond, as defined in § 19.2-119 of the Code of Virginia, that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.

"Training school" means a training school that is certified or licensed by the department for the specific purpose of training regulated personnel in at least one category of the compulsory minimum training standards.

PART II. FEES.

6 VAC 20-250-20. Fees.

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing and other administrative requests for services relating to bail bonding services.

<u>Bail bondsman license application</u>	<u>\$900</u>
<u>(Initial/Renewal)</u>	
<u>Licensure category fee:</u>	
<u>Surety</u>	<u>\$100</u>
<u>Property (agent)</u>	<u>\$100</u>
<u>Property (principal)</u>	<u>\$250</u>
<u>Firearms endorsement (annually)</u>	<u>\$30</u>
<u>Fingerprint card processing</u>	<u>\$60</u>
<u>Replacement photo identification</u>	<u>\$30</u>
<u>Reinstatement</u>	<u>\$250</u>
<u>In-service alternate training credit</u>	<u>\$50</u>

B. Dishonor of fee payment due to insufficient funds.

1. The department may suspend the license it has granted any person who submits a check or similar instrument for payment of a fee required by statute or regulation that is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the licensee may request that the suspended license or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompanies the request. Suspension under this provision shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

PART III.

LICENSING PROCEDURES AND REQUIREMENTS.

6 VAC 20-250-30. Bail bondsman eligibility.

A. Persons required to be licensed as a bail bondsman pursuant to § 9.1-102.47 of the Code of Virginia, shall meet all licensure requirements in this section. Persons who carry or have access to a firearm while on duty must have a valid license with a firearm endorsement as described under 6 VAC 20-250-80. If carrying a handgun concealed, the person must also have a valid concealed handgun permit and the written permission of his employer pursuant to § 18.2-308 of the Code of Virginia.

B. Each person applying for a bail bondsman license shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age;
2. Be a United States citizen or legal resident alien of the United States; and
3. Have received a high school diploma or GED.
4. Have successfully completed all initial training requirements, pursuant to the compulsory minimum training standards in Part IV of this regulation.
5. Have successfully completed the bail bondsman exam required by the board at a certified or licensed private security services training school with a minimum passing grade of 70%.

C. The following persons are not eligible for licensure as bail bondsmen and may not be employed nor serve as the agent of a bail bondsman:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored;
2. Persons who are an employee, spouse of an employee or residing in the same household of an employee of a local or regional jail; sheriff's office; state or local police department; an office of an attorney for the Commonwealth; Department of Corrections, Department of Criminal Justice Services; or a local community corrections agency, or persons appointed as conservators of the peace pursuant to Article 4.1 (§ 9.1-150.1 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia.

6 VAC 20-250-40. Initial bail bondsman license application.

A. Prior to the issuance of any bail bondsman license, each bondsman applicant shall:

1. Pass the bail bondsman exam as prescribed by the board at a certified or licensed private security services training school with a minimum passing grade of 70%. Any applicant who improperly uses notes or other reference materials, or otherwise cheats on the exam,

shall be ineligible to become a licensed bail bondsman.

2. Successfully complete entry-level training, and firearms training if applicable, pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter;

3. File with the department a completed application for such license on the form and in the manner provided by the department.

4. Submit fingerprints to the department pursuant to 6 VAC 20-250-50;

5. Submit the appropriate nonrefundable application processing fee and appropriate category fee to the department.

6. Maintain a physical address in Virginia where records required to be maintained by the Code of Virginia and this regulation are kept and available for inspection by the department. A post office box is not a physical address;

7. Provide the legal entity name, all fictitious names and physical addresses of all companies under which he carries out his bail bonding business.

B. Additionally, prior to the issuance of a property bail bondsman license, each property bail bondsman applicant shall provide proof of collateral of \$200,000 on his bonds and proof of collateral of \$200,000 on the bonds of each of his agents. Any collateral that is not in the form of real estate, cash, or certificates of deposit issued by a FDIC-insured financial institution shall be specifically approved by the department before it may be used as collateral.

C. A property bail bondsman license will not be issued if the true market value of the equity in his collateral of real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof does not meet or exceed \$200,000.

1. If the property used as collateral is real estate, such real estate shall be located in the Commonwealth. In addition, the property bail bondsman applicant shall submit to the department:

a. A true copy of the current real estate tax assessment thereof, certified by the appropriate assessing officer of the locality wherein such property is located or, at the option of the property bail bondsman, an appraisal of the fair market value of the real estate, which appraisal shall have been prepared by a licensed real estate appraiser, within one year of its submission.

b. A new appraisal, if, at its discretion, the department so orders for good cause shown prior to certification. At the discretion of the department, after the original submission of any property appraisal or tax assessment, further appraisals or tax assessments for that property may not be required more than once every five years.

c. An affidavit by the property bail bondsman applicant that states, to the best of such person's knowledge, the amount of equity in the real estate, and the amounts due under any obligations secured by liens or similar encumbrances against the real estate, including any delinquent taxes, as of the date of the submission. At its discretion, the department may require additional documentation to verify these amounts.

2. If the property used as collateral consists of cash or certificates of deposit, the property bail bondsman applicant shall submit to the department verification of the amounts, and the names of the financial institution in which they are held.

3. Any property bail bondsman issued a certificate by a judge pursuant to former § 19.2-152.1 of the Code of Virginia, prior to July 1, 1989, who has continuously maintained his certification and who has never provided to a court collateral of \$200,000 or more, shall continue to be exempt from the \$200,000 collateral requirements specified above. Those property bail bondsmen who are exempted from this provision shall satisfy all of the other requirements in this article for bail bondsmen, and shall provide to the department the collateral amount to which they may bond and provide proof of his prior certification by obtaining a certified copy of (i) the certificate issued pursuant to former § 19.2-152.1 of the Code of Virginia and (ii) the documents held by the originating court that stated the collateral amount for which they were able to bond.

4. Each property bail bondsman, if so directed by the department, shall place a deed of trust on the real estate that he is using for the limit of his expected bonded indebtedness to secure the Commonwealth and shall name the attorney for the Commonwealth of the affected locality as trustee under the deed of trust, and furnish the department an acceptable appraisal and title certificate of the real estate subject to any such deed of trust.

5. Each principal property bail bondsman applicant shall submit signed documentation authorizing special power of attorney for the purpose of bonding on any collateral provided for licensure that is not legally in the sole ownership of the principal property bail bondsman.

6. Each agent property bail bondsman applicant shall submit signed documentation authorizing special power of attorney for the purpose of bonding on any collateral provided for licensure by the principal bail bondsman.

D. Prior to the issuance of a surety bail bondsman license, each surety bail bondsman applicant shall:

1. Submit proof of current licensing as a property and casualty insurance agent validated by the State Corporation Commission.

2. Submit copies of each qualifying power of attorney that will be used to provide surety. All qualifying powers

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of attorney filed with the department shall contain the name and contact information for both the surety agent and the registered agent of the issuing company. In the event an applicant for a surety bail bondsman license is unable to obtain a qualifying power of attorney prior to the issuance of his license, the department may issue a letter of temporary licensure for not more than 30 days on the condition that each qualifying power of attorney obtained be filed within the 30 days. This temporary license does not permit a surety bail bondsman to write bail bonds for any insurance company without first filing the company qualifying power of attorney with the department.

6 VAC 20-250-50. Fingerprint processing.

A. Each person applying for licensure as a bail bondsman shall submit to the department:

1. One completed fingerprint card provided by the department or another electronic method approved by the department;
2. A fingerprint processing application;
3. The applicable nonrefundable fee; and
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the person or persons have a record of conviction.

C. Fingerprint cards found to be unclassifiable will suspend action on the application pending the re-submittal of a classifiable fingerprint card. The applicant shall be so notified in writing and shall submit a new fingerprint card within 30 days before the processing of his application shall resume. After 30 days, the initial fingerprint application process will be required to include applicable application fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

6 VAC 20-250-60. Application sanctions/denial, probation, suspension and revocation.

A. The department may deny a license in which any person has been convicted in any jurisdiction of any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this regulation. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

B. The department may deny a license in which any person has not maintained good standing in every jurisdiction

where licensed; has had his license denied upon initial application, suspended, revoked, surrendered, or not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for licensing in Virginia.

C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.

D. The department may deny licensure to a person for other just cause.

E. A licensee shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this regulation. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

6 VAC 20-250-70. License issuance.

A. Upon completion of the initial license application requirements, the department may issue an initial license for a period not to exceed 24 months.

B. Each license shall be issued to the applicant named on the application and shall be valid only for the person named on the license. No license shall be assigned or otherwise transferred to another person.

C. Each licensee shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this regulation.

6 VAC 20-250-80. Additional category application.

Licensed individuals seeking to add categories to a current license must:

1. Submit a properly completed application provided by the department;
2. Meet all licensure requirements pursuant to 6 VAC 20-250-40 B through D; and
3. Submit the applicable, nonrefundable category fee.

6 VAC 20-250-90. Firearm endorsement.

A. In addition to applying for a bail bondsman license, each applicant who carries or has immediate access to a firearm while on duty must apply for such endorsement on a form and in the manner prescribed by the board and containing any information the board requires.

B. Prior to the issuance of a firearm endorsement, each applicant shall:

1. Successfully complete the entry-level firearms training, pursuant to the compulsory minimum training standards set forth in Part IV (6 VAC 20-250-130 et seq.)

of this chapter; and

2. Submit the appropriate nonrefundable application-processing fee to the department.

C. Upon completion of the application requirements, the department may issue a firearm endorsement for a period not to exceed 12 months.

D. Firearms endorsements may be reissued for a period not to exceed a period of 12 months when the applicant has met the following requirements:

1. Filed with the department a completed application for such endorsement on the form and in the manner provided by the department at least 30 days prior to expiration of their current endorsement;

2. Successfully completed the firearms retraining pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter; and

3. Submitted the appropriate nonrefundable application processing fee to the department.

6 VAC 20-250-100. License renewal application.

A. The department should receive applications for licensure renewal at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the licensed person. However, if a renewal notification is not received by the person, it is the responsibility of the person to ensure renewal requirements are filed with the department.

B. Each person applying for license renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training, and firearms retraining if applicable pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter; and

2. Be in good standing in every jurisdiction where licensed. This subdivision shall not apply to any probationary periods during which the person is eligible to operate under the license.

C. The department may renew a license when the department receives the following:

1. A properly completed renewal application provided by the department;

2. Fingerprint cards submitted pursuant to 6 VAC 20-250-50;

3. The applicable, nonrefundable license renewal fee, and appropriate category fee;

4. Proof of successful completion of in-service training pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter; and

5. All other documentation listed in 6 VAC 20-250-40 B and C.

D. Upon completion of the renewal license application requirements, the department may issue a license for a period not to exceed 24 months.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a license or shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.

6 VAC 20-250-110. License termination.

A. Any surety bail bondsman license issued pursuant to this part shall terminate immediately upon the termination of the licensee's property and casualty insurance agent license, and may not be applied for again until the person has been issued a new property and casualty insurance agent license.

B. A surety bail bondsman may apply for reinstatement of the terminated license no more than 120 days from termination with the appropriate reinstatement application and nonrefundable fees. After 120 days application for a bail bondsman license shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.

6 VAC 20-250-120. Replacement state issued identification.

Licensed person seeking a replacement state issued photo identification shall submit to the department:

1. A properly completed application provided by the department; and

2. The applicable, nonrefundable application fee.

PART IV. COMPULSORY MINIMUM TRAINING STANDARDS FOR BAIL BONDSMEN.

Article 1. Training Requirements.

6 VAC 20-250-130. Entry-level training.

A. Each bail bondsman as defined by § 9.1-185 of the Code of Virginia, must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with this regulation.

B. Training must be completed at a private security services training school certified or licensed by the department.

C. Training will be credited only if application for licensure is submitted to the department within 12 months of completion of training.

D. Hour requirement. The compulsory minimum entry-level training hour requirement by category, excluding

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examinations, practical exercises and range qualification, shall be:

1. Bail bondsman core training - 40 hours
2. Firearms training - 14 hours

E. Course content. The compulsory minimum entry-level training course content by category, excluding examinations, mandated practical exercises and range qualification, shall be as provided in this subsection.

Core subjects. The entry-level curriculum set forth the following areas identified as:

I. Orientation - two hours.

A. Ethical standards

1. Professionalism
2. Misrepresentation
3. Conflicts of interest
4. Information protection, confidentiality, and discretion requirements

B. Brief introduction to Code of Virginia and regulations relating to bail bondsman

II. Law - 12 hours plus one practical exercise.

A. Code of Virginia and regulations relating to bail bondsman

1. Definitions
2. Licensing procedures and requirements
3. Compulsory minimum training standards
4. Standards of practice and prohibited acts
5. Administrative requirements/standards of conduct
6. Administrative reviews, complaints, procedures, and responsibilities

B. Basic law

1. Legal terminology and definitions
2. Purpose and function of law
3. U.S. Constitution
 - a. Amendments
 - b. Bill of Rights
4. Landmark cases
5. Limitations and liability

C. Surety and property law

1. Surety bail bondsman
 - a. Insurance companies
 - b. Agent vs. attorney-in-fact

c. Virginia qualification requirements

2. Property bail bondsman

- a. Virginia property requirements
- b. Agent requirements

D. Courts

1. Civil court system

- a. Federal
- b. State
- c. Local jurisdiction
- d. Definitions
- e. Civil judicial procedures

2. Criminal court system

- a. State and federal
- b. Legal authority and related issues
- c. Liability concerns
- d. Definitions/interpretations
- e. Magistrates

E. Release from legal obligation

1. When defendant answers charge
2. Circulate the bail piece release
3. Special considerations
 - a. The recognizance
 - b. Preliminary hearing
 - c. Bond continuation pending pre-sentence report
 - d. Sentencing
 - e. Withhold findings
 - f. Bond reinstatement

III. Fugitive recovery - 24 hours plus one practical exercise.

A. Legal procedures

1. Bondsman's legal right to recover
2. Notice of show cause hearing
3. Entry of finding of default
4. Payment of forfeiture
5. Recovery: 12 months from entry of finding of default
6. Section 9.1-185.15 of the Code of Virginia, recovery of bailees

B. Criminal statutes

- 1. Liability considerations/liability insurance
- 2. Case law
- 3. Law enforcement
 - a. State
 - b. Federal
- 4. Reasonable force to effect apprehension
- C. Use of recovery agents in Virginia
 - 1. Virginia legal requirements
 - 2. Recovery agents authority
 - 3. Employee vs. independent contractor
 - 4. Liability considerations/liability insurance
- D. Investigative techniques
 - 1. Surveillance
 - 2. Court research
 - 3. Law-enforcement coordination
 - 4. Interviewing
 - 5. Impersonation and misrepresentation
 - 6. Reference materials and resource list
 - 7. Skip-tracing techniques
 - 8. Fugitive identification
- E. Recovery procedures
 - 1. Pursuit
 - a. Foot
 - b. Vehicular
 - c. Other
 - 2. Entry and search
 - 3. Perimeter/interior room control
- F. Agent survival
 - 1. Confrontation management
 - 2. Use of force
 - 3. Deadly force
 - 4. Escalation of force
 - 5. Emergency procedures
- G. Apprehension of a fugitive
 - 1. Compliant versus noncompliant procedures
 - 2. Search of person
 - a. Personal items
 - b. Seizure of contraband

- 3. Handcuffing techniques
- 4. Rights of the accused
- 5. Detainment and transportation
- 6. Interstate transport
- 7. False arrest
- IV. Responsibilities of bondsman and remanding to custody two hours plus one practical exercise.
 - A. Recovery in Virginia
 - B. Recovery out of Virginia; Uniform Extradition Act
 - C. International recovery
 - D. Legal detainment facilities
 - E. Entering the jail or sally port
 - F. Signing the bail piece/return to court
 - G. Hospital procedures for injuries
- V. Documentation - two hours plus one practical exercise.
 - A. Required by the courts
 - B. Required by DCJS
 - C. Recordkeeping
 - D. Reporting
 - E. Retaining records
- VI. Written examination
- Total hours (excluding exam) - 40 hours
- 6 VAC 20-250-140. In-service training.**
 - A. Each person licensed with the department as a bail bondsman shall complete the compulsory in-service training standards within the last 12 months preceding the expiration date of licensure. If in-service training is not completed by the expiration date of licensure, entry-level training will be required pursuant to initial licensure requirements pursuant to 6 VAC 20-250-40.
 - B. Course content. The compulsory minimum in-service training course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:
 - Bail Bondsman core subjects:
 - 1. Legal authority - 2 hours
 - 2. Job-related training - 6 hours
- Total hours - 8 hours
- 6 VAC 20-250-150. In-service alternative training credit.**
 - Persons who have completed training that meets or exceeds the compulsory minimum training standards promulgated

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by the board for in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the licensure period during which in-service training is required. Such training must be provided by a third-party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service alternative training credit:

1. Information regarding the sponsoring organization, including documentation regarding the instructor for each session;
2. An outline of the training session material, including the dates, times and specific subject matter;
3. Proof of attendance and successful completion; and
4. The applicable, nonrefundable application fee.

6 VAC 20-250-160. Training extension.

A. An extension of the time period to meet in-service training requirements may be approved only under specific circumstances, which do not allow bail bondsmen to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury; and
3. Military or foreign service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the licensee prior to the expiration date of the time limit required for completion of the requirements;
2. Indicate the projected date that the person will be able to comply with the requirements; and
3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for licenses that have expired.

D. Applications for additional extensions may be approved upon written request of the licensee.

E. Approved extensions may only be granted for a period not to exceed 12 months.

Article 2. Firearms Training Requirements.

6 VAC 20-250-170. General firearms training requirements.

Firearms training endorsement is required for all bail bondsmen who carry or have access to a firearm while on duty. Each person who carries or has access to firearms

while on duty shall qualify with each type of action and caliber of firearm to which he has access.

6 VAC 20-250-180. Firearms (handgun/shotgun) entry-level training.

All armed bail bondsmen must satisfactorily complete the firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services (6 VAC 20-171) for handgun and for shotgun, if applicable, prior to the issuance of the firearms endorsement.

6 VAC 20-250-190. Firearms (handgun/shotgun) retraining.

On an annual basis all armed bail bondsman must requalify for a firearms endorsement by satisfactorily completing firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services (6 VAC 20-171) for handgun and for shotgun, if applicable.

6 VAC 20-250-200. Prior firearms training exemption.

A. Persons having previous department-approved firearms training may be authorized credit for such training that meets or exceeds the compulsory minimum training standards for a firearm endorsement, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial in-service training credit:

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

B. Individuals requesting a training exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue a training exemption on the basis of individual qualifications as supported by required documentation.

Article 3. Training Sessions.

6 VAC 20-250-210. Bail bondsmen and firearms training sessions.

A. Training sessions will be conducted by private security services training schools certified or licensed under the Regulations Relating to Private Security Services (6 VAC 20-171) or by the department in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance and standards of conduct are the responsibility of the training school, training school director and instructor of the training session.

B. Administrative requirements.

1. In a manner approved by the department, a notification to conduct a training session shall be submitted to the department. All notifications shall be received by the department, or postmarked if mailed, no less than seven calendar days prior to the beginning of each training session to include the date, time, instructors and location of the training session. The department may allow a session to be conducted with less than seven calendar days of notification with prior approval. Session notifications require no fee from the training school. A notification to conduct a training session shall be deemed to be in compliance unless the department notifies the training school director to the contrary.

2. Notification of any changes to the dates, times, location or cancellation of a future training session must be submitted to the department in writing and received by the department at least 24 hours in advance of the scheduled starting time of the class. In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.

3. On a form provided by the department, the training school director shall issue an original training completion form and training certificate to each student who satisfactorily completes a training session no later than five business days following the training completion date.

4. In a manner approved by the department, the training school director shall submit an original training completion roster to the department affirming each student's successful completion of the session. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date.

5. A written examination shall be administered at the conclusion of each entry-level training session. The examination shall be based on the applicable learning objectives. The student must attain a minimum grade of 70% for all entry-level training examinations to satisfactorily complete the training session.

6. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination.

7. Failure to achieve a minimum score of 70% on the firearms classroom written examination will exclude the individual from the firearms range training.

8. To successfully complete the firearms range training; the individual must achieve a minimum qualification score of 75% of the scoring value of the target.

9. To successfully complete the bail bondsman entry-level training session, the individual must:

a. Successfully complete each of the three graded practical exercises required; and

b. Pass the written examination with a minimum score of 70%.

C. Attendance.

1. Individuals enrolled in an approved training session are required to be present for the hours required for each training session.

2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session. Individuals not completing the required training within this period are required to complete the entire training session.

3. Individuals that do not successfully complete the compulsory minimum training standards of the training session shall not be reported to the department except where required.

4. Each individual attending an approved training session shall comply with the regulations promulgated by the board and any other rules within the authority of the training school. If the training school director or instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on examinations, the training school director or instructor may expel the individual from the school. Notification of such action shall immediately be reported to the employing firms and the department.

D. Standards of conduct.

1. The training school, training school director and instructor shall at all times conform to the application requirements, administrative requirements and standards of conduct established for certification as a training school and instructor.

2. Training sessions will be conducted by DCJS-certified instructors or other individuals authorized to provide instruction.

3. Training sessions will be conducted utilizing lesson plans developed including at a minimum the compulsory minimum training standards established pursuant to this chapter.

4. Instruction shall be provided in no less than 50-minute classes.

5. Training sessions may not exceed nine hours of classroom instruction per day. Range qualification and practical exercises shall not be considered classroom instruction; however, total training, including the maximum allotment of nine hours classroom instruction and applicable range qualification and practical exercises, shall not exceed 12 hours per day. This does

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not include time allotted for breaks, meals and testing.

6. All audiovisual training aids must be accompanied by a period of instruction where the instructor reviews the content of the presentation and the students are provided the opportunity to ask questions regarding the content.

7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety. Training school directors may require additional hours of instruction, testing or evaluation procedures.

8. A training session must provide accurate and current information to the students.

9. Mandated training conducted not in accordance with the Code of Virginia and this chapter is null and void.

10. A duplicate set of instructor course materials including all student materials shall be made available to any department inspector during the training session, if requested.

PART V. RECORDKEEPING STANDARDS AND REPORTING REQUIREMENTS.

6 VAC 20-250-220. Recordkeeping standards.

A. The bail bondsman shall retain the following for a minimum of three calendar years from the date of the termination of the liability:

1. Copies of recognizance, documentary evidence of terms of agreement between principal, indeminator and licensed bail bondsman.

2. Copies of all written representations made to any court or to any public official for the purpose of avoiding a forfeiture of bail, setting aside a forfeiture, or causing a defendant to be released on his own recognizance.

3. Copies of all affidavits and receipts made in connection with collateral received in the course of business.

4. Evidence of the return of any security or collateral received in the course of business, including a copy of the receipt showing when and to whom the collateral was returned.

5. Copies of all written documentation in connection with the recovery of a bailee pursuant to 6 VAC 20-250-260.

B. Upon request of the department, a bail bondsman shall provide any documents required to be kept pursuant to this section.

6 VAC 20-250-230. Reporting requirements.

A. Each licensed bail bondsman shall report within 30 calendar days to the department any change in his residence, name, business name or business address, and

ensure that the department has the names and all fictitious names of all companies under which he carries out his bail bonding business.

B. Each licensed bail bondsman arrested or convicted of a felony shall report within 30 calendar days to the department the facts and circumstances regarding the arrest or criminal conviction.

C. Each licensed bail bondsman shall report to the department, within 30 calendar days of the final disposition, of the matter any administrative action taken against him by another governmental agency in the Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. Each licensed bail bondsman shall report to the department within 24 hours any event in which he discharges a firearm during the course of his duties.

E. Each licensed property bail bondsman shall submit to the department, on a prescribed form, not later than the fifth day of each month, a list of all outstanding bonds on which he was obligated as of the last day of the preceding month, together with the amount of the penalty of each such bond.

F. Each licensed principal property bail bondsman shall report to the department any change in the number of agents in his employ within seven days of such change and concurrently provide proof of collateral of \$200,000 for each new agent, in accordance with subsection C of § 9.1-185.5 of the Code of Virginia.

G. Each licensed agent bail bondsman shall report to the department any change in his employment within seven days of such change.

H. Each licensed principal property bail bondsman shall report to the department within five business days if any new lien, encumbrance, or deed of trust is placed on any real estate that is being used as collateral on his or his agents' bonds as well as the amount it is securing. The reporting requirement deadline is deemed to begin as soon as the licensed property bail bondsman learns of the new lien, encumbrance, or deed of trust, or should have reasonably known that such a lien, encumbrance, or deed of trust had been recorded.

I. Each licensed surety bail bondsman shall report to the department within 30 days any change in his employment or agency status with a licensed insurance company. If the surety bail bondsman receives a new qualifying power of attorney from an insurance company, he shall forward a copy thereof within 30 days to the department, in accordance with subdivision D 2 of § 9.1-185.5 of the Code of Virginia.

PART VI. ADMINISTRATIVE REQUIREMENTS/STANDARDS OF CONDUCT.

6 VAC 20-250-240. General requirements.

All bail bondsman are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this regulation.

6 VAC 20-250-250. Professional conduct standards; grounds for disciplinary actions.

A. Any violations of the restrictions or standards under this statute shall be grounds for placing on probation, refusal to issue or renew, sanctioning, suspension or revocation of the bail bondsman's license. A licensed bail bondsman is responsible for ensuring that his employees, partners and persons contracted to perform services for or on behalf of the bonding business comply with all of these provisions, and do not violate any of the restrictions that apply to bail bondsmen. Violations by a bondsman's employee, partner, or agent may be grounds for disciplinary action against the bondsman, including probation, suspension or revocation of license. Upon notification from the State Corporation Commission of a license suspension, the department shall immediately suspend a surety bondsman's license, pending the results of an investigation.

B. A licensed bail bondsman shall not:

1. Knowingly commit, or be a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, forgery, scheme or device whereby any other person lawfully relies upon the word, representation, or conduct of the bail bondsman.
2. Solicit sexual favors or extort additional consideration as a condition of obtaining, maintaining, or exonerating bail bond, regardless of the identity of the person who performs the favors.
3. Conduct a bail bond transaction that demonstrates bad faith, dishonesty, coercion, incompetence, extortion or untrustworthiness.
4. Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose bond he is surety or offers to become surety, to induce that person to commit any crime.
5. Give or receive, directly or indirectly, any gift of any kind to any nonelected public official or any employee of a governmental agency involved with the administration of justice, including but not limited to law-enforcement personnel, magistrates, judges, and jail employees, as well as attorneys. De minimis gifts, not to exceed \$50 per year per recipient, are acceptable, provided the purpose of the gift is not to directly solicit business, or would otherwise be a violation of board regulations or the laws of the Commonwealth.

6. Fail to comply with any of the statutory or regulatory requirements governing licensed bail bondsmen.

7. Fail to cooperate with any investigation by the department.

8. Fail to comply with any subpoena issued by the department.

9. Provide materially incorrect, misleading, incomplete or untrue information in a license application, renewal application, or any other document filed with the department.

10. Provide bail for any person if he is also an attorney representing that person.

11. Provide bail for any person if the bondsman was initially involved in the arrest of that person.

C. A licensed bail bondsman shall ensure that each recognizance on all bonds for which he signs shall contain the name, license number and contact information.

D. A surety bail bondsman shall in addition ensure that each recognizance for which he signs contains the contact information for both the surety agent and the registered agent of the issuing company.

E. An administrative fee may be charged by a bail bondsman, not to exceed reasonable costs and must be disclosed in writing. Reasonable costs may include, but are not limited to, travel, court time, recovery fees, phone expenses, administrative overhead and postage.

F. A property bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of the true market value of the equity in his real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof.

G. A property bail bondsman or his agent shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

H. A surety bail bondsman shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

I. A surety bail bondsman shall not write bail bonds on any qualifying power of attorney for which a copy has not been filed with the department.

J. A surety bail bondsman shall not violate any of the statutes or regulations that govern insurance agents.

K. A licensed bail bondsman shall disclose in writing to the indeminor if the bail bondsman has the knowledge that the bailee is being held in multiple jurisdictions.

6 VAC 20-250-260. Solicitation of business; standards, restrictions and requirements.

A. Only licensed bail bondsmen shall be authorized to

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solicit bail bond business in the Commonwealth.

B. A licensed bail bondsman shall not:

1. Solicit bail bond business or have any person solicit on his behalf by directly initiating contact with any person in any court, jail, lock-up, or surrounding government property.
2. Leave any type of advertising material in any court, jail, lock-up or surrounding government property.
3. Loiter by any jail or magistrate's office unless there on legitimate business.
4. Communicate with any inmate without first notifying the sheriff of jailor of their intent to communicate with such inmate.
5. Refer a client or a principal for whom he has posted bond to an attorney for financial profit or other consideration.

6 VAC 20-250-270. Recovery of bailees; methods of capture; standards and requirements; limitations.

A. During the recovery of a bailee, a bail bondsman shall have a copy of the relevant recognizance for the bailee. In the event a bail bondsman is recovering the bailee of another bondsman, he shall also have written authorization from the bailee's bondsman obtained prior to affecting the capture. The department shall develop the written authorization form to be used in such circumstances.

B. A bail bondsmen shall not enter a residential structure without first verbally notifying the occupants who are present at the time of the entry.

C. Absent exigent circumstances, a bail bondsman shall give prior notification of at least 24 hours to local law enforcement or state police of the intent to apprehend a bailee. In all cases, a bail bondsman shall inform local law enforcement within 30 minutes of capturing a bailee.

D. A bail bondsman shall not break any laws of the Commonwealth in the act of apprehending a bailee.

E. A bail bondsman shall adhere to the recovery requirements pursuant to § 19.2-149 of the Code of Virginia.

F. A bail bondsman must complete and maintain the information on the recovery of a bailee on a form prescribed by the department.

6 VAC 20-250-280. Collateral received in the course of business; standards and requirements.

A. A licensed bail bondsman shall be permitted to accept collateral security or other indemnity from the principal, which shall be returned upon final termination of liability on the bond, including the conclusion of all appeals or appeal periods. Such collateral security or other indemnity required by the bail bondsman shall be reasonable in relation to the amount of the bond.

B. When a bondsman accepts collateral, he shall give a written receipt to the depositor. The receipt shall provide a full description of the collateral received and the terms of redemption or forfeiture. The receipt shall also include the depositor's name and contact information.

C. Any bail bondsman who receives collateral in connection with a bail transaction shall receive such collateral in a fiduciary capacity, and prior to any forfeiture of bail shall keep it separate and apart from any other funds or assets of such bail bondsman. In the event a bondsman receives collateral in the nature of a tangible good, it shall be a per se violation of the bail bondsman's fiduciary duty to make personal use of any such collateral unless there is a proper forfeiture of bail.

D. Any collateral received shall be returned with all due diligence to the person who deposited it with the bail bondsman or any assignee other than the bail bondsman as soon as the obligation is discharged and all fees owed to the bail bondsman have been paid. In any event, after a specific request for the return of the collateral by the depositor, the collateral shall be returned within 15 days after all fees owed have been paid.

6 VAC 20-250-290. Uniforms and identification; standards and restrictions.

A. A bail bondsman shall not wear, carry, or display any uniform, badge, shield, or other insignia or emblem that implies he is an agent of state, local, or federal government.

B. A bail bondsman shall wear or display only identification issued by or whose design has been approved by the department.

1. A bail bondsman is required to visibly display on his outermost clothing, the photo identification license issued by the department at all times while on legitimate bail bonding business on government property.

2. A bail bondsman may display only his name and name of his company on the front of his shirt or jacket on government property as long as the insignia or emblem is no larger than 3 x 5 inches in its entirety.

PART VII.

COMPLAINTS, DEPARTMENT ACTIONS, ADJUDICATION.

Article 1.

Complaints.

6 VAC 20-250-300. Submittal requirements.

A. Any aggrieved or interested person may file a complaint against any person whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing bail bondsman services or this regulation.

B. Complaints may be submitted:

1. In writing, or on a form provided by the department, by a signed complainant;
2. In writing, submitted anonymously, that provide sufficient detailed information for the department to conduct an investigation; or
3. Telephonically, providing the complaint alleges activities that constitute a life-threatening situation, or have resulted in personal injury or loss to the public or to a consumer, or that may result in imminent harm or personal injury, and that provide sufficient detailed information for the department to conduct an investigation.

6 VAC 20-250-310. Department investigation.

A. The department may initiate or conduct an investigation based on any information received or action taken by the department to determine compliance with the Code of Virginia and this regulation.

B. Documentation.

1. Persons regulated or required to be regulated by this regulation pursuant to the Code of Virginia are required to provide department investigators with any and all records required to be maintained by this regulation.
 - a. This shall not be construed to authorize the department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the department may seek a subpoena to satisfy the request.
 - b. The department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this regulation.
2. The department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

Article 2. Department Actions.

6 VAC 20-250-320. Disciplinary action; sanctions; publication of records.

A. Each person subject to jurisdiction of this regulation who violates any statute or regulation pertaining to bail bondsman services shall be subject to sanctions imposed by the department regardless of criminal prosecution.

B. The department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or of this regulation:

1. Letter of reprimand or censure;

2. Probation for any period of time;

3. Suspension of license or approval granted, for any period of time;

4. Revocation;

5. Refusal to issue or renew a license or approval;

6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted; or

7. Remedial training.

B. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this regulation but do not hold a valid license, certification or registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

C. The director (chief administrative officer of the department) may summarily suspend a license under this regulation without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operations of the licensee would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or that may result in imminent harm, personal injury or loss.

D. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all licensees whose conduct and activities are subject to this regulation and have been sanctioned or denied licensure or approval.

6 VAC 20-250-330. Fines, administrative and investigative costs.

The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or regulations that result in a sanction, including fine, probation, suspension, revocation or denial of any license. Such costs shall be in addition to any monetary penalty that may be imposed.

Article 3. Adjudication.

6 VAC 20-250-340. Hearing process.

Following a preliminary investigative process, the department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in this regulation. Pursuant to the authority conferred in § 9.1-141 C 6 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and the procedures prescribed herein, the department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The

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board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

6 VAC 20-250-350. Informal fact-finding conference.

The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing provided that written notification is given to the department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

6 VAC 20-250-360. Formal hearing.

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of any license or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant such license, registration, certification or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

6 VAC 20-250-370. Appeals.

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director of the Department of Criminal Justice Services within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

6 VAC 20-250-380. Court review; appeal of final agency order.

A. The agency's final administrative decision (final agency orders) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case

decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the city of Richmond, Virginia.

B. Notification shall be given to the attention of the Director of the Department of Criminal Justice Services in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect unless the court issues a stay of the order.

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